

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

City of Beaufort, et al.,)	
)	
Plaintiffs,	)	No.: 2:18-cv-03326-RMG
	)	(Consolidated with 2:18-cv-3327-RMG)
v.)	
)	
NATIONAL MARINE FISHERIES	)	RETURN TO MOTION FOR
SERVICE, et al.,	)	STAY OF DEADLINE TO RESPOND
	)	TO
Defendants.	)	MOTION TO INTERVENE OF
	)	STATE OF SOUTH CAROLINA,
	)	EX REL
	)	ALAN WILSON, ATTORNEY
	)	GENERAL
South Carolina Coastal Conservation League,	)	IN CITY OF BEAUFORT v.
et al,	)	NATIONAL MARINE FISHERIES
	)	SERVICE CASE
Plaintiffs,)	
)	
v.)	
)	
Wilbur Ross, in his official capacity as the)	
Secretary of Commerce; et al.,)	
)	
Defendants.)	

The State of South Carolina ex rel Attorney General Wilson opposes the Motion to Stay the Deadline for Response Deadline to the State’s Motion to Intervene. The grounds asserted for the stay are that the attorneys for and employees of the Federal Defendants are prohibited from working except under limited circumstances absent funding, and an appropriation has not yet been made; however, counsel for the United States has stated in an email that she does “not have any information about whether the lapse in appropriations will impact Bureau of Ocean Energy Management’s decision making on the pending permit applications” at issue. Email, Alison Finnegan to counsel, January 8, 2018. She states that she “inquired just a few hours before the

government shutdown but never heard back.” *Id.* Therefore, without assurance that the BOEM will not act during the time for this stay and any time for response running after the stay is lifted, the State’s interests could be adversely impacted during a stay should BOEM proceed to act. Should any motion for a preliminary injunction or a temporary restraining order be filed during the stay, the Attorney General would want to be heard for the State. Moreover, even if the Federal Defendants are not able to respond to the Motion to Intervene, they would still be able to raise any defenses that they believe that they have to the State’s Complaint via an appropriate motions or answer if this Court grants the Motion to Intervene.

For these reasons, the Attorney General opposes this Motion for Stay; however, as represented by counsel for the Federal Defendants, he will consent to an extension of time to file a return to the State’s motion of 14 days subject to the State’s right to request that the Court proceed before then with a ruling on the Motion to Intervene if a motion for a preliminary injunction or TRO is filed.

Respectfully submitted,

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January 8, 2019

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